

Judiciary

**PUBLIC 10 An Act To Extend Civil Rights Protections to All People
Regardless of Sexual Orientation**

LD 1196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER	OTP A	H-92 FISCHER
	OTP-AM B	
	ONTP C	

Public Law 2005, chapter 10 prohibits the denial of rights in employment, housing, public accommodations, credit and education opportunity to individuals based on their sexual orientation. Chapter 10 includes an unallocated construction section that provides that the Act may not be construed to change any right to marry that exists under the United States Constitution, the Maine Constitution or any law of this State.

Pursuant to Article IV, Part Third, Section 17 of the Maine Constitution, Public Law 2005, Chapter 10, although scheduled to take effect June 29, 2005, was stayed pending certification of the validity of the “People’s Veto” petition which was approved for circulation April 7, 2005. If the petition is determined valid by the Secretary of State, the question of whether to reject Public Law 2005, Chapter 10 will appear on the November 8, 2005 ballot. If the petition is determined to be invalid, the law takes effect on the day following the determination.

**PUBLIC 48 An Act To Make Technical Corrections to Maine's Appellate
Jurisdiction Laws Concerning Involuntary Hospitalization**

LD 250

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP	

Public Law 2005, chapter 48 clarifies that the Superior Court has jurisdiction over appeals from the District Court in involuntary hospitalization cases in accordance with the Maine Revised Statutes, Title 34-B, section 3864, subsection 11.

**PUBLIC 60 An Act To Provide the Same Exemption from Jury Duty to
Veterinarians as Granted to Medical Doctors**

LD 522

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS MARTIN	OTP	

Public Law 2005, chapter 60 exempts from jury duty veterinarians who are employed in or have an active veterinary medicine practice.

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PUBLIC 62 An Act To Cure an Inconsistency Regarding Judgment Liens LD 491

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP	

Public Law 2005, chapter 62 extends the period during which an execution of a lien on real estate, personal property or motor vehicles may be filed from one year to 3 years. It also provides that any lien that conforms to the requirements regarding notice and duration is valid for 3 years if notice of execution was filed after September 19, 1995 and within 3 years of the issuance of the execution.

PUBLIC 64 An Act To Amend Appellate Review Jurisdiction of the Superior Court LD 985

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2005, chapter 64 adds the following 3 appeals to the list of appeals to the Superior Court by an aggrieved defendant: an appeal from a revocation of supervised release ruling in a revocation of supervised release proceeding in the District Court pursuant to the Maine Revised Statutes, Title 17-A, section 1233 and Rule 36 of the Maine Rules of Criminal Procedure; an appeal from a revocation of administrative release ruling in a revocation of administrative release proceeding in the District Court pursuant to Title 17-A, section 1349-F and Rule 36 of the Maine Rules of Criminal Procedure; and an appeal from the denial in the District Court of a petition by a petitioner seeking to be declared indigent for purposes of assignment of counsel on appeal or from the granting of a conditional order pursuant to Title 15, section 2111 and Maine Rules of Criminal Procedure, Rule 44A(c). Chapter 64 replaces the outdated reference to abrogated Rule 37F of the Maine Rules of Criminal Procedure with Rule 36 of the Maine Rules of Criminal Procedure. Chapter 64 also codifies what is currently done by implication alone, that the Superior Court's jurisdiction to hear appeals and petitions is limited to only the appeals and petitions from the District Court that are specified in Title 15, section 1, subsection 2.

PUBLIC 88 An Act To Protect Motherhood LD 884

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	S-139

Public Law 2005, chapter 88 requires special consideration by a court when sentencing a person convicted of murder when the victim was a woman that the convicted person knew or had reasonable cause to believe was pregnant. It requires that same consideration for the crimes of attempted murder, manslaughter, elevated aggravated assault and aggravated assault. Chapter 88 requires the Domestic Abuse Homicide Review Panel of the Maine Commission on Domestic and Sexual Abuse to collect and review data relating to the death of a

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pregnant woman when death results from criminal conduct. Chapter 88 also requires the Chief Medical Examiner to send copies of reports of such cases to the panel.

See also LD 262.

PUBLIC 154	An Act Deleting Gender-specific and Archaic Language from Certain Laws Concerning the Office of the Attorney General	LD 722
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPSON HOBBINS	OTP-AM	H-277

Public Law 2005, chapter 154 makes technical changes to the laws governing the appointment of personnel by the Attorney General to correct gender-specific language and remove archaic language.

PUBLIC 175 EMERGENCY	An Act To Prohibit Firearms in a Courthouse	LD 166
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR GAGNON	OTP-AM	H-217

Public Law 2005, chapter 175 makes it a crime for an individual to possess a firearm in a courthouse unless the individual is a law enforcement officer or a corrections officer when acting within the course and scope of the officer's employment. Chapter 175 allows a person to possess a firearm for the purpose of offering it as evidence in a court proceeding if the judge has approved the possession.

Public Law 2005, chapter 175 was enacted as an emergency measure effective May 20, 2005.

PUBLIC 184 EMERGENCY	An Act To Make Technical Amendments to the Maine Uniform Trust Code	LD 1551
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP	

Public Law 2005, chapter 184 makes several changes to the new Maine Uniform Trust Code which takes effect July 1, 2005. It preserves the effectiveness of powers of durable powers of attorney executed prior to July 1, 2005. It clarifies several definitions. It allows the settler of a trust to keep the trust private by limiting the persons to whom notice and reports must be given. To keep the trustee accountable to someone, a trust that takes advantage of the option to restrict notice must designate a representative, sometimes called a "trust protector," to receive the same information that would otherwise be provided to qualified beneficiaries.

Chapter 184 clarifies when a charitable organization, a person other than a beneficiary appointed to enforce a trust and the Attorney General are entitled to the notice and reports that are required to be provided to a qualified beneficiary. It also adds language that is designed to prevent an adverse federal estate and gift tax

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result that some commentators have identified as a possibility when the settlor of an irrevocable trust can give consent on behalf of a beneficiary to a modification or termination of the trust. If a beneficiary's interest is not protected by a spendthrift provision, a creditor can attach only distributions to the beneficiary and not payments made by the trustee to 3rd parties that in some way help the beneficiary.

Chapter 184 clarifies the beneficiary's right to take legal action against a trustee for failure to act in accordance with the terms and purposes of the trust. Beneficiaries who are also trustees are protected from creditors to the extent that distributions are subject to an ascertainable standard.

The settlors of Maine trusts are protected by making it clear that the remainder beneficiaries have no rights as long as the settlor of a revocable trust is alive, even if incapacitated. Chapter 184 deletes the requirement that the Attorney General must approve the charity's appointment of the successor trustee of a charitable trust. Innocent 3rd parties who purchase from a trustee are protected from a forfeiture of the property if the trustee acted wrongfully. This protects the integrity of real estate titles and is identical to the provisions of Maine law with respect to fraudulent transfers.

Chapter 184 provides that the requirement of giving notice to beneficiaries does not require trustees to send additional notices to beneficiaries of trusts already in existence on July 1, 2005. Existing Maine law applicable to a trustee's exercise of discretionary power is not changed; no new or additional standards are imposed upon trustees exercising discretion.

Public Law 2005, Chapter 184 was enacted as an emergency measure effective July 1, 2005.

PUBLIC 275 An Act To Amend the Laws Governing the Effect of Foreclosure of LD 1212
a Tax Lien on Time-share Estates

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	H-467
NASS R		

Public Law 2005, chapter 275 provides that a governmental entity that acquires ownership of a time-share estate for reasons of tax delinquency may not be charged for the share of common expenses chargeable to the time-share estate during the period the governmental entity owns the time-share estate unless used by the entity. Although liens for prior unpaid common expenses will be extinguished as a result of the foreclosure by the governmental entity, all common expenses that accrue during the period of the governmental entity's ownership may be charged to a purchaser of a foreclosed time-share estate when the purchaser obtains title to the unit from the governmental entity. The governmental entity must disclose in writing to a prospective purchaser that the purchaser may be charged for the common expenses accrued while the governmental entity owned the time-share estate.

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PUBLIC 283 **An Act Concerning Persons Who Hold Durable Powers of**
EMERGENCY **Attorney or Act as Responsible Parties for Residents of Long-term**
 Care Facilities

LD 1179

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-248

Public Law 2005, chapter 283 provides specific language authorizing a petition for a protective order from the Probate Court to initiate court consideration, accounting and remediation of actions taken by a person responsible for the property or affairs of another person, referred to as the principal. Chapter 283 lists the information that must be included in the petition, including facts describing how the petitioner has been adversely affected by the lack of management of the principal's property or affairs.

Public Law 2005, chapter 283 was enacted as an emergency measure effective June 1, 2005.

PUBLIC 284 **An Act Concerning Full Faith and Credit for Legal Documents**
 Executed in Other Jurisdictions

LD 1566

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J HOBBINS	OTP-AM	H-468

Public Law 2005, chapter 284 amends the Probate Code to provide that powers of attorney validly executed in other jurisdictions are valid in this State, even if the Maine requirements for that document are not met. The types of powers of attorney covered are both durable and nondurable, and include financial powers of attorney and health care powers of attorney. It also creates a presumption that the out-of-state power of attorney was executed in compliance with the law of the jurisdiction in which it was executed.

PUBLIC 285 **An Act Concerning the Disclosure of Juror Information**

LD 157

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-244

Public Law 2005, chapter 285 clarifies what information about jurors and prospective jurors may be disclosed and when that disclosure may take place. Chapter 285 provides that the juror qualification forms are confidential and may not be disclosed, except that the prospective juror information is available for review for voir dire purposes at the courthouse, and then only available for the attorneys and the attorneys' agents and investigators, as well as the pro se parties. Records and information used in connection with the jury selection process are confidential and may not be disclosed except as otherwise provided. Chapter 285 provides that during the service of the jurors and prospective jurors, their names are confidential and may not be disclosed except to the attorneys and the attorneys' agents and investigators, as well as the pro se parties. Disclosure of juror names is allowed once the juror service has expired, but only upon written request to the court. The court may disclose the names of the jurors only if it is in the interests of justice.

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The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

PUBLIC 287 An Act To Require the Fair Application of the Mechanic's Lien Law LD 570

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER SMITH N	OTP-AM	S-230

Public Law 2005, chapter 287 rewrites the provisions concerning the requirements for avoiding the dissolution of a mechanic's lien to include providing notice to the owner or owners of the lien filing if the lien claimant does not have a contract with the owner or owners. Chapter 287 establishes a period during which the lien claimant and the contractor have the opportunity to work out the claim for payment underlying the lien before the lien claimant must provide notice of the filing of the complaint in court. The lien claimant must wait 30 days after filing the complaint against the contractor, the owner and other responsible parties to notify the owner of the property. The deadline for filing the return of service for serving the complaint on the owner, as provided in the Maine Rules of Civil Procedure, is tolled for 30 days, which is consistent with not serving the owner of the suit for 30 days.

PUBLIC 291 An Act To Simplify the Real Estate Foreclosure Process LD 469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY DAMON	OTP-AM	H-466

Public Law 2005, chapter 291 requires a lender who sells a property at auction after foreclosure to deliver the writ of possession, if such a writ was obtained, to the buyer along with the deed to the property.

PUBLIC 298 An Act Regarding Divorce and Marital Property LD 621

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS HOBBINS	OTP-AM	H-496

Public Law 2005, chapter 298 provides that once a divorce starts, a pension in just one spouse's name is automatically titled in both parties' names without having to obtain an attachment, levy or court order to that effect, to the extent that the account or plan is either exempt or beyond the reach of an attaching or judgment lien creditor under state or federal law.

PUBLIC 300 An Act Regarding Child Protection Proceedings LD 867

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPSON HOBBINS	OTP-AM	H-545

Public Law 2005, chapter 300 makes the following changes to the laws governing access to information in child protection proceedings.

1. It specifies that, within the Department of Health and Human Services, information in records, as well as the record itself, is protected and confidential. It also clarifies that a person who receives records from the department may not further disseminate the record.
2. It limits use of department records to the purpose for which the release was intended and prohibits further dissemination of those records.
3. It expands the list of persons to whom the department is authorized to disclose relevant information.

PUBLIC 302	An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships	LD 1210
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS RICHARDSON J	OTP-AM	S-247

Public Law 2005, chapter 302 makes minor technical changes to the Maine Revised Statutes, Title 13-B to make signature requirements consistent with other entity laws and adds definitions for electronic filing. It amends the Maine Business Corporation Act: to clarify the law concerning amendments to a plan of merger; to provide greater consistency with the model act; to remove unnecessary language; to correct a cross-reference; and to clarify how the court may grant relief. It also adds necessary definitions to modernize the laws relating to limited partnerships, limited liability companies and limited liability partnerships for electronic filing. Chapter 302 also corrects cross-references within the Maine Limited Liability Company Act and the Maine Limited Liability Partnership Act, and adds language to both acts to conform them to the Maine Professional Service Corporation Act in the Maine Revised Statutes, Title 13.

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PUBLIC 304 An Act To Protect Maine Harness Racing from Illegal Wagering

LD 1053

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-246

Public Law 2005, chapter 304 creates a private right of action to enforce the unauthorized wagering law. Any damages, after the reasonable costs of suit, are to be divided among the State's funds to provide for Maine's extended meets, harness racing purses, Maine's commercial tracks and Maine's off-track betting facilities. The damages are intended to make up for the lost revenues experienced in Maine's harness racing industry because of electronic wagering that is not subject to the taxes placed on wagers legally placed in Maine. Punitive damages are authorized for violations after written notice of the provisions of this section.

PUBLIC 306 An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid

LD 780

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM	H-539

Public Law 2005, chapter 306 provides that if a tenant is billed for water or sewer service to the property rented by the tenant and the property may be subject to a lien to secure payment for that service, the landlord or the landlord's agent is entitled to information on the current status of the tenant's water or sewer service account, including any amounts due or overdue.

PUBLIC 310 An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians BY REQUEST

LD 693

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY SHERMAN	OTP-AM	S-229

Public Law 2005, chapter 310 authorizes the Houlton Band of Maliseet Indians to appoint law enforcement officers who will have authority to enforce all the laws of the State within the Houlton Band Trust Land, as defined in the Maine Revised Statutes, Title 30, chapter 601 and in the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, Public Law 99-566 (1986). Law enforcement officers of the State, Aroostook County and the Town of Houlton have authority to enforce all laws of the State within the Houlton Band Trust Land. Chapter 310 provides that the Houlton Band of Maliseet Indians may enter into cooperation and mutual aid agreements with other state, county or local law enforcement agencies. It also provides that law enforcement officers of the Houlton Band of Maliseet Indians have the same powers, enjoy the same immunities and are subject to the same duties, limitations and training requirements as other law enforcement officers in this State that are in corresponding situations.

Chapter 310 requires the Houlton Band of Maliseet Indians to report by January 1, 2010 on the experience under this Act. The report must include observations and comments from state, Aroostook County and Houlton law

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enforcement agencies. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

Chapter 310 provides for the repeal of the entire provision on July 1, 2010.

PUBLIC 311 An Act To Amend the Laws Governing Mechanics Liens

LD 260

<u>Sponsor(s)</u> BERUBE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-540
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Public Law 2005, chapter 311 amends the mechanics lien laws to require lien claimants to file a notice in the registry of deeds within 60 days of filing a complaint in court to perfect the lien. This notice will inform potential purchasers of the property that the lien claim has been perfected and that the property is subject to the lien. Failure to file the notice before a bona fide purchaser takes title to property will defeat the lien claim.

PUBLIC 318 An Act Relating to Animals in Food Stores and Restaurants

LD 537

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-245
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Public Law 2005, chapter 318 updates the current criminal provision of bringing an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises to cover all service animals, not just seeing-eye dogs. The definition of "service animal" is consistent with the rules adopted by the Maine Human Rights Commission.

PUBLIC 320 An Act To Assist in the Investigation and Prosecution of Theft Offenses

LD 1409

<u>Sponsor(s)</u> ROSEN K SNOWE-MELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-499
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Public Law 2005, chapter 320 permits local law enforcement agencies to consolidate theft, forgery and negotiating a worthless instrument investigations in multiple jurisdictions in order to simplify the investigative aspects of the crimes, to conserve limited economic and time resources of the agencies and to strengthen the deterrent effect of successful investigations and prosecutions of these crimes. The multijurisdictional cooperation must first be expressly authorized by each police officer's municipal officers.

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PUBLIC 323 An Act To Implement Recommendations of the Family Law Advisory Commission

LD 1502

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-500

Public Law 2005, chapter 323 puts into law recommendations of the Family Law Advisory Commission. It authorizes a court to order payment of attorney's fees and costs while an action under the Maine Revised Statutes, Title 19-A is proceeding or when the action is completed. Current law authorizes attorney's fees in only limited types of family law actions. The court may order a party to pay the fees and expenses of 3rd-party participants, including guardians ad litem, expert witnesses and service providers. The costs of prosecuting a collection action may also be awarded. Chapter 323 deletes attorney's fees provisions throughout Title 19-A that are duplicative. It adds a family case management officer and a representative of the Judicial Branch's Court Alternative Dispute Resolution Service to the membership of the Family Law Advisory Commission. It amends the definition of "decree of spousal support, support or costs" to include an order for the division and disposition of property connected to a divorce judgment, including, among other actions, proceedings to effectuate a qualified domestic relations order, to reach, attach or liquidate property or to quiet title. Chapter 323 allows the court to order either parent to provide health insurance coverage for the child.

PUBLIC 325 An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation

LD 627

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE STRIMLING	OTP-AM	H-497

Public Law 2005, chapter 325 prohibits a court or the Secretary of State from suspending the driver's license of a person for a reason not related to the operation of a motor vehicle without providing 60 days' notice to the person. It also requires the court to notify a person of suspension by the court of the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit when the suspension is for a motor vehicle-related violation. The court must also notify the Secretary of State of the suspension.

PUBLIC 326 An Act Regarding the Initiation of Cases of Murder and Class A, B and C Crimes in Superior Court by Complaint

LD 1248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-498

Public Law 2005, chapter 326 makes statutory changes to the Maine Criminal Code in light of recent amendments to the Maine Rules of Criminal Procedure that eliminate the need for a bind-over hearing by starting a case that involves murder or at least one Class A, Class B or Class C crime, accompanied or unaccompanied by related Class D or Class E crimes, in the Superior Court rather than the District Court. Such a case is commenced by filing a criminal complaint directly in the Superior Court, unless an indictment has

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already been returned or an information filed, except as to a murder charge. The Superior Court will be responsible for conducting probable cause determinations to comply with County of Riverside v. McLaughlin, 500 U.S. 44 (1991) in these cases as well. Chapter 326 removes the District Court's jurisdiction to bind over for the grand jury certain crimes. It includes an effective date to make the bill take effect January 1, 2006, which is the effective date of the amendments to the Maine Rules of Criminal Procedure related to this bill that were recently adopted by the Supreme Judicial Court. The rules will not eliminate the bind-over jurisdiction of the District Court until July 1, 2006 to allow the existing cases to be handled by the existing system.

PUBLIC 339 An Act To Protect Maine Citizens from Lead Hazards that Harm LD 1532
Maine Children and Families

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH HOBBINS	OTP-AM	H-542 S-275 HOBBINS

Public Law 2005, chapter 339 requires that landlords and property sellers provide residential real property disclosure forms that explain lead-based paint hazards to potential tenants and purchasers. The disclosure forms provisions are not to be construed to affect any rights, duties or liability under federal law.

PUBLIC 352 An Act To Improve Child Support Services LD 1589

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPSON NASS R	OTP-AM	H-613

Public Law 2005, chapter 352 makes the following changes to the laws governing child support.

1. It requires the court to order either or both parents of a juvenile to pay child support in accordance with the child support guidelines when the court commits a juvenile to the Department of Health and Human Services, to the Department of Corrections juvenile correctional facility or to a relative or other person pursuant to the Maine Juvenile Code.
2. It allows the Commissioner of Health and Human Services to designate employees of the department who are not attorneys to represent the department in proceedings involving the expedited process for the commencement of paternity actions filed by a party other than the department and in proceedings to hear a motion to modify child support.
3. It provides that both parents are responsible for child support if a caretaker relative provides primary residential care for a child.
4. It provides that with regard to any initial or modified child support order that affects more than one child and that was entered before January 18, 2005, unless that order states the manner in which the order must be modified, such an order must be automatically modified to address any of the following events: any child reaches 18 years of age and has graduated from secondary school; any child reaches 19 years of age without having graduated from secondary school; any child obtains an order of emancipation; or any child dies. This change is made in response to the decision of the Maine Supreme Judicial Court in Bartlett v. Anderson, 2005 ME 10, 866 A.2d 829.

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5. It allows the department to assist either party in the modification of a child support order.
6. It allows the department to serve notice of the department's intention to submit an obligor's name to the appropriate board as a licensee who is not in compliance with an order of support in the same manner as a notice is served in connection with the revocation of a motor vehicle license under the Maine Revised Statutes, Title 19-A, section 2202, subsection 2.
7. It clarifies the permissible evidence at the administrative appeal of a decision establishing or modifying a child support order.
8. It requires that an order to withhold and deliver issued by an out-of-state child support agency or court be honored by a financial institution.
9. It directs the Department of Health and Human Services, working in cooperation with the Family Law Advisory Commission, to study the need for legislation to address automatic modification of child support orders that cover multiple children when one of the children is no longer eligible for child support because of age, emancipation or death. The department shall report to the Joint Standing Committee on Judiciary no later than January 1, 2006. The committee may report out legislation after receipt and review of the report.

**PUBLIC 353 An Act To Provide Greater Civil Relief Protection for Members of
the Military**

LD 859

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE HOBBINS	OTP-AM	H-538

Public Law 2005, chapter 353 provides that courts may not consider a military member's departure from the family residence or absence from the child or children as an adverse factor in determining parental rights and responsibilities if the military member's absence is due to military mobilization. Chapter 353 strengthens existing state civil relief protections for mobilized military members by allowing them to testify electronically, by requiring that their cases be held expeditiously and by allowing a service member to transfer the parent-child contact rights to one of the member's relatives if the military member is mobilized, unless the transfer is not in the best interest of the child. For actions and proceedings involving children, a stay may occur only if the stay is in the best interest of the child. It grants state recognition to wills, health care directives and powers of attorney federal laws pertaining to the military irrespective of specific state requirements.

Chapter 353 prohibits a court from changing the primary physical residence of a child when one of the child's parents is a member of the National Guard or the Reserves of the United States Armed Forces ordered to active duty and will be absent from the State in compliance with the order, unless the change is in the best interest of the child.

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PUBLIC 354 An Act To Address the Constitutionality of Maine's Resident-only Lobster License

LD 1421

<u>Sponsor(s)</u> DUPLESSIE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-544
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Public Law 2005, chapter 354 creates four new types of lobster licenses: nonresident Class I, nonresident Class II, nonresident Class III and nonresident apprentice. In order to become eligible to obtain a nonresident Class I, II or III license, an individual would have to meet the requirements of the apprenticeship program under the Maine Revised Statutes, Title 12, section 6422 or section 6475.

PUBLIC 355 An Act To Promote the Commonsense Consumption of Food

LD 645

<u>Sponsor(s)</u> TURNER MCKENNEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-324
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Public Law 2005, chapter 355 provides immunity to the manufacturer, distributor or seller of a food product for personal injury or death to the extent the liability is based on the person's weight gain or obesity resulting from the person's long-term consumption of the food product. No immunity is provided for a manufacturer or distributor for claims that are otherwise available under other law if the manufacturer or distributor failed to comply with labeling or disclosure requirements under state or federal laws, rules or regulations. It also does not provide immunity for a manufacturer or distributor that provided materially false or misleading information to the public.

PUBLIC 357 An Act Concerning Gift Obligations, Stored-value Cards and Prefunded Bank Cards

LD 1084

<u>Sponsor(s)</u> VALENTINO GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-624
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Public Law 2005, chapter 357 updates the definitions in the unclaimed property laws of "face value" and "property" to include "gift obligation," "prefunded bank card" and "stored-value card" where appropriate. It also revises the definition of "face value" to limit the deduction of service charges, fees and dormancy charges, when not prohibited, to be consistent with the other provisions of this amendment.

Chapter 357 creates a definition of "prefunded bank card," and establishes the presumptive abandonment period as 3 years. The amount abandoned is 100% of the face value or balance of the prefunded bank card. The financial organization that issued the prefunded bank card may impose dormancy fees consistent with the Maine Revised Statutes, Title 33, section 1956. The terms and conditions must be disclosed in a separate writing prior to the initial issuance and must be referenced on the prefunded bank card.

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Chapter 357 revises the presumptive abandonment period for gift obligations and stored-value cards to clarify that the presumptive abandonment period begins to run from the last date that activity was recorded for that gift obligation or stored-value card. It also prohibits the issuer from imposing any fees or charges on the gift obligation or stored-value card, except that the issuer may charge a transaction fee for the initial issuance and for adding value to the gift obligation or stored-value card. The transaction fees must be disclosed in a separate writing prior to the initial issuance or must be noted on the gift obligation or stored-value card. Although current law authorizes dormancy charges for other unclaimed property, dormancy charges and inactivity fees are prohibited for gift obligations and stored-value cards. The unclaimed amount of a gift obligation or stored-value card when it is turned over to the state unclaimed property account is 60% of the face value, allowing the issuer to retain the remaining 40%.

PUBLIC 360 An Act To Improve the Guardian ad Litem System

LD 1063

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN TARDY	OTP-AM	S-298

Public Law 2005, chapter 360 amends the laws concerning guardians ad litem. It adds a section to the Probate Code to provide for appointment, qualifications, access to information, application of the best interest of the child standard, requirement of a report, immunity and requirement of notice. It also authorizes appointment of a guardian ad litem in an action in which a grandparent is seeking contact with a child.

PUBLIC 361 An Act To Provide Support for Legal Services for Low-income Mainers

LD 715

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY EDMONDS	OTP-AM	H-582

Public Law 2005, chapter 361 provides that 7% of any fee collected after July 1, 2005 by the Judicial Department will be paid into the Maine Civil Legal Services Fund. It also increases from \$5 to \$10 the surcharge, imposed by the court on each civil fine, penalty or forfeiture imposed by the court, to be paid into the Maine Civil Legal Services Fund. Chapter 361 also expands the number of legal services providers that are eligible to receive funding from the Civil Legal Services Fund to include nonprofit organizations whose missions include the provision of free legal services, including the provision of civil legal services to needy people.

Judiciary

PUBLIC 364 An Act To Facilitate Voting by Participants in the Address Confidentiality Program

LD 1115

<u>Sponsor(s)</u> CANAVAN STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-625
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Public Law 2005, chapter 364 facilitates voting by individuals who are participating in the Address Confidentiality Program established pursuant to the Maine Revised Statutes, Title 5, section 90-B by allowing them to use their designated addresses when registering to vote and by ensuring that their names will not appear on any voting list made available to the public. All voter registration records pertaining to such voters are confidential and maintained by registrars of voters under seal. These voters are entitled to receive absentee ballots in the mail for every election during the period of their participation in the Address Confidentiality Program. They will be allowed to place their Address Confidentiality Program voter codes on the absentee ballot envelopes in lieu of their names and addresses to protect the confidentiality of their places of residence.

PUBLIC 365 An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks

LD 1542

<u>Sponsor(s)</u> KAELIN WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-612
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Public Law 2005, chapter 365 imposes a penalty for issuing a second bad check within a year of the first violation to the same payee. The penalty is paid to the payee. A bad check, referred to as a dishonored check, may not be counted as the first bad check to a payee unless it remained unpaid for at least 45 days. Any subsequent check intentionally issued or negotiated knowing it will not be honored, written to the same payee, will subject the issuer to the additional liquidated damages if the face amount is not paid within 30 days of the demand of the payee.

PUBLIC 366 An Act To Protect Children from Individuals Who Have Engaged in Sexual Abuse of Children in the Past

LD 1232

<u>Sponsor(s)</u> FAIRCLOTH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-655
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Public Law 2005, chapter 366 provides that when a court finds that a person has been convicted of certain sexual offenses in which the victim was a minor, there is a rebuttable presumption that that person would create a situation of jeopardy for a child if any contact were to be permitted and that any contact is not in the best interest of the child. The presumption of jeopardy applies when the person seeking adoption, contact, primary residence, custody or visitation has any of a number of specific convictions for sexual abuse of a minor. The crimes are the same offenses for which special provisions apply when courts are ordering custody, contact or primary residence under the adoption laws, parental rights and responsibilities laws, grandparent visitation laws and the child protective laws. The crimes are limited to crimes committed when the person was at least 5 years

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older than the victim at the time of the abuse, except that a conviction for gross sexual assault of a child under 14 years of age or under 12 years of age results in the presumption if the child submitted because of compulsion, regardless of the age difference. The person seeking the contact, custody or primary residence may produce evidence to rebut the presumption. Chapter 366 contains a parallel provision in the child protection laws relating to the hearing and disposition of jeopardy petitions. It provides a rebuttable presumption that there is jeopardy with regard to a parent or other person responsible for the child who allows, encourages or fails to prevent contact between the child and a person who has been convicted of one of the listed offenses. The same presumption arises when the person has been adjudicated in a child protection action under Title 22, chapter 1071 of having sexually abused a minor. The parent or other person responsible for the child may produce evidence to rebut the presumption.

PUBLIC 370 An Act To Adopt the Uniform Environmental Covenants Act

LD 1559

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS SHERMAN	OTP-AM	S-328

Public Law 2005, chapter 370 adopts the Uniform Environmental Covenants Act as prepared by the National Conference of Commissioners of Uniform State Laws to provide a systematic approach to adoption and recording of environmental covenants, such as deed restrictions, and to protect the legal integrity of covenants once recorded. "Environmental covenant" includes the element that it is documented in a recordable instrument; "environmental covenant" does not include a municipal ordinance, a voluntary or other remedial action plan or an administrative or judicial order that may impose activity or use limitations. "Environmental response project" includes remediations under the State's voluntary response action program. The Department of Environmental Protection may be a holder of an environmental covenant without approval of the Board of Environmental Protection. Chapter 370 prohibits the agency from waiving the requirement of the signature on the covenant by an owner of the fee simple if the owner is the current occupant of the real estate that is the subject of the covenant. It allows amendment of the environmental covenant without the holder's consent if the holder has already waived the right to consent to an amendment in a signed record.

PUBLIC 371 An Act To Provide Guidelines, Standards and Rights for Children and the Guardians Who Care for Them

LD 1402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-326

Public Law 2005, chapter 371 gives standing to "de facto guardians" to seek appointment as guardians of minor children, with or without the consent of the parents. The Probate Court will consider factors that establish the person as a de facto guardian, including actual custody and parenting of the child without legal formalities, and consider whether the appointment is in the best interests of the child.

Chapter 371 adds definitions of "best interest of the child," "de facto guardian" and "demonstrated lack of consistent participation." It adds specific language concerning the appointment of coguardians, and adds a new provision to provide for appointment of persons who qualify as de facto guardians as legal guardians if the appointment is in the best interest of the child. The appointment may be made without the consent of the parents or legal custodians otherwise required to consent to a guardianship.

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Chapter 371 allows the Probate Court to appoint counsel for an indigent de facto guardian, guardian or petitioner in a contested appointment proceeding when the parent or legal custodian has counsel. It also authorizes the Probate Court to order a parent to pay child support when a de facto guardian is appointed guardian for the child.

Chapter 371 requires the court to set forth in all orders making appointments of guardians the basis for determining that the appointment is in the best interest of the child. It also provides that when a person seeks to terminate a guardianship against the guardian's consent, the person seeking to change the status quo has the burden of proving by a preponderance of the evidence that the termination of the guardianship is in the best interest of the ward. In a contested termination proceeding, the court may appoint counsel for any indigent guardian or petitioner.

PUBLIC 374	An Act To Amend the Child and Family Services and Protection Act	LD 1320
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VAUGHAN	OTP-AM	H-611 H-656 PELLETIER- SIMPSON

Public Law 2005, chapter 374 amends the purposes of the Child and Family Services and Protection Act to include placement of a child with an adult relative when possible when the child has been removed from the custody of the child's parents.

PUBLIC 375	An Act To Clarify That Certain Maine Landowner Liability Protection Laws Apply to Certain Railroad Properties, Railroad Rights-of-way and Utility Corridors	LD 1611
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS BRYANT M	OTP-AM	H-633 PELLETIER- SIMPSON S-314

Public Law 2005, chapter 375 adds railroad rights-of-way and utility corridors that are used as part of a designated recreational trail to the definition of "premises" in the law that limits a landowner's liability when allowing recreational activities or harvesting activities on the lands.

Judiciary

**PUBLIC 376 An Act To Amend the Medical Liability Laws Concerning
Communications of Sympathy or Benevolence**

LD 1378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER SAVIELLO	OTP-AM	S-323

Public Law 2005, chapter 376 prevents a health care practitioner's or health care provider employee's statement of sympathy or apology to a patient who has suffered an unanticipated medical outcome from being used against the practitioner or employee in a civil action for professional negligence.

**PUBLIC 381 An Act To Implement the Recommendations of the Committee To
Study Compliance with Maine's Freedom of Access Laws
Concerning Personal Contact Information**

LD 467

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2005, chapter 381 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It provides an exception to the definition of "public record" in Maine's freedom of access laws for the personal contact information of public employees.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

PUBLIC 383 An Act To Prepare Maine for Public Health Emergencies

LD 1405

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO MILLER	OTP-AM	S-336

Public Law 2005, chapter 383 amends the laws regarding the control of communicable diseases in the following ways.

1. It removes the repeal of the laws regarding the ability of the Department of Health and Human Services to respond to an extreme public health emergency.
2. It allows for isolation or quarantine in a private home.
3. It grants the department rulemaking authority to address workforce needs and the need for dispensing drugs in an emergency situation.

Judiciary

4. It removes reference to the term "medical provider" and clarifies reporting requirements of medical laboratories. "Medical provider," which is undefined, is replaced with "health care provider" and medical laboratories are added to the list of those from whom the department may request information in an extreme public health emergency.
5. The chapter has been renamed to acknowledge that notifiable conditions include communicable, environmental and occupational diseases. It provides definitions of "public health threat" and "notifiable disease or condition" to allow for reporting related to toxins or other agents that could have serious implications either in the severity of the impact on individuals or potential for impact on a large number of people.
6. It eliminates the Medical Legal Advisory Panel.
7. It clarifies that protected health information may be disclosed to health providers in the event of an actual or threatened outbreak or epidemic as declared by the Director of the Bureau of Health.
8. It clarifies that, under the Maine Medical Laboratory Act, licensed and unlicensed laboratories have public health reporting requirements. This provision requires all laboratories that receive, forward or analyze specimens of materials from the human body or referred cultures of specimens from the human body and report the results to health care providers who use the data for purposes of patient care to comply with the law regarding control and reporting of notifiable diseases and conditions. This provision allows compliance with these requirements to be considered when laboratories are evaluated and applications for licenses or renewals are considered.
9. It provides employment protection in an extreme public health emergency by protecting from unfavorable employment actions an employee who has been quarantined or isolated or who provides care to someone who has been isolated or quarantined during an extreme public health emergency. The proposal is modeled after legislation that was passed in Toronto as a result of SARS and draws from several Maine laws providing employment protection to those who are victims of abuse, on family medical leave or serving in the military. Chapter 383 provides that employers have a hardship exemption; the leave and related benefits apply only during an extreme public health emergency, or to diseases or conditions that are contracted or exposures that occur during the extreme public health emergency. The leave does not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees. For any leave beyond the defined period, the employer must make it possible for the employee to retain employee benefits at the employee's expense, although the employer and employee may negotiate for the employer to maintain the benefits at the employer's expense.

Judiciary

**PUBLIC 384 An Act To Make Certain Changes in the Laws Concerning the
Family Division of District Court**

LD 973

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY HOBBINS	OTP-AM MAJ ONTP MIN	H-646 H-665 PELLETIER- SIMPSON

Public Law 2005, chapter 384 revises the title of family case management officer to family law magistrate. It also authorizes the Chief Judge of the District Court to allow family law magistrates to wear robes of any color other than black when presiding.

**PUBLIC 385 An Act To Allow Case Management Officers To Conduct Hearings
in Divorce Court**

LD 592

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	OTP	

Public Law 2005, chapter 385 authorizes the Chief Justice of the Supreme Judicial Court to establish a pilot project in which one or more family case management officers have jurisdiction to hear and dispose of all elements of a divorce action when both parties to the divorce consent. By January 15, 2007, the State Court Administrator is required to report the results of any pilot project to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

**PUBLIC 397 An Act To Correct Errors and Inconsistencies in the Laws of
EMERGENCY Maine**

LD 1622

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-692 H-699 PELLETIER- SIMPSON S-378 HOBBINS

Public Law 2005, chapter 397 corrects technical errors and inconsistencies in the laws of Maine, and makes the following changes that are or may be considered substantive:

1. Clarifies that the biennial State Health Plan must be issued by December 1, 2005 and every 2 years thereafter;
2. Changes the Government Evaluation Act review scheduled for the Department of Human Services to apply to the Department of Health and Human Services;

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3. Carries out the intent of the Legislature in closing the Bar Harbor District Court. This language reflects the savings contained in the Part 1 Budget, Public Law 2005, chapter 12 and has an effective date of June 30, 2005;
4. Amends the newly enacted law required to achieve compliance with the interstate lobster fishery management plan;
5. Updates language providing complimentary fishing licenses to residents of institutions under the control of the Department of Behavioral and Developmental Services because that department is now part of the Department of Health and Human Services;
6. Amends the nonprofit corporation laws concerning general powers to update the reference to the state department that administers the Maine Uniform Accounting and Auditing Practices Act for Community Agencies, which is now the Department of Health and Human Services.
7. Corrects an error in the section establishing the membership of the Maine Educational Loan Authority;
8. Corrects a conflict by repealing the provision requiring the Department of Health and Human Services to contract with a statewide nonprofit organization to provide nontraditional job training and placement services for women receiving assistance under TANF, which was added to a chapter in 1997 that was repealed that same year. The concept is added to existing law;
9. Revises language describing information that must be reported to a health care practitioner's professional board or authority following an adverse action against a practitioner. The reporting requirement was added by Public Law 2005, chapter 221;
10. Corrects the cross-reference to minimum law enforcement policy standards for the recording and preservation of interviews of suspects in serious crimes. It also inserts a cross-reference to policies concerning public notification regarding persons who must register under the Sex Offender Registration and Notification Act of 1999, and puts the references in order. It also changes the date by which the Maine Criminal Justice Academy must adopt the model policy on public notification to January 1, 2006. This is consistent with Public Law 2005, chapter 331, section 16.
11. Carries out the intent of the Legislature to maintain the law enforcement officer solicitation laws;
12. Updates the membership of the Children's Mental Health Oversight Committee;
13. Amends the real estate transfer tax exemptions concerning deeds of distribution to include a reference to the Maine Uniform Trust Code, enacted by the 121st Legislature;
14. Corrects a drafting error in Public Law 2005, chapter 226 concerning standards for timber harvesting in shoreland areas;
15. Amends an unallocated transition section of Public Law 1999, chapter 706 pertaining to appointments and terms of members of the Maine State Museum Commission;
16. Provides an effective date of December 31, 2005 for the repeal of the Revised Maine Securities Act. This date is the same as the effective date of the Maine Uniform Securities Act, as enacted by Public Law 2005, chapter 65; and

Judiciary

17. Corrects an omission of the designation of criminal class for aggravated cruelty to animals.

Public Law 2005, chapter 397 was enacted as an emergency measure effective June 17, 2005.

PUBLIC 398 An Act To Limit the Liability of Ambulance Services in Maine LD 385

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-693 PELLETIER- SIMPSON
NASS R		

Public Law 2005, chapter 398 provides that a for-profit, incorporated emergency medical service is covered by the Maine Tort Claims Act only when it is acting within the scope of emergency response activities authorized by a contract between the emergency medical service and the governmental entity.

Chapter 398 also provides that an ambulance service cannot be required to procure insurance coverage beyond the liability limits of the Maine Tort Claims Act for any liability that falls under the application of the Maine Tort Claims Act. Chapter 398 also provides that an insurer cannot require coverage for liability beyond the liability limits when applicable.

PUBLIC 399 An Act To Include Regional Transportation Systems under the LD 910 **Maine Tort Claims Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	H-691
BRYANT B		

Public Law 2005, chapter 399 amends the Maine Tort Claims Act to include in the definition of "political subdivision" transit districts and regional transportation corporations as those are defined in the Maine Revised Statutes, Title 30-A, section 3501.

PUBLIC 408 An Act To Protect Pregnant Women from Acts of Violence LD 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	ONTP MAJ	H-682 PELLETIER- SIMPSON
MARTIN	OTP-AM MIN	

Public Law 2005, chapter 408 creates the new crime of elevated aggravated assault on a pregnant person for a person who intentionally or knowingly causes serious bodily injury to a person the offender knows or has reason to know is pregnant. The crime is a Class A crime.

PUBLIC 448 An Act To Amend the Maine Tort Claims Act LD 936

Judiciary

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-694

Public Law 2005, chapter 448 amends the Maine Tort Claims Act to provide that a governmental entity is not immune for negligent operation of a motor vehicle by an employee of the governmental entity when the employee's negligent operation of that motor vehicle results in a collision. There is no immunity for the governmental entity regardless of whether the Maine Tort Claims Act provides immunity for the employee. The law governing the personal liability and immunity of employees of governmental entities is not affected.

RESOLVE 90 Resolve, To Encourage Parents To Choose To Dedicate a Portion of Child Support Payments to College Investment Accounts LD 51

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW COWGER	OTP-AM	H-495

Resolve 2005, chapter 90 directs the Treasurer of State, in consultation with the Department of Health and Human Services, the Family Law Advisory Commission and the Judicial Department, to research methods of encouraging the use of college investment accounts by parents who do not provide the primary residence for their children and who are paying child support, without reducing the resources that are available to pay the current support needs of the children involved. The resolve also requires the Treasurer of State to submit by January 15, 2006 a report that includes any recommendations and suggested legislation. It authorizes the Joint Standing Committee on Judiciary to report out legislation to the Second Regular Session of the 122nd Legislature.

RESOLVE 91 Resolve, Concerning Temporary Guardianship Laws LD 105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BISHOP	OTP-AM	H-541

Resolve 2005, chapter 91 directs the Department of Health and Human Services to convene a working group to review the laws and practices concerning temporary guardianships. Representatives of the Disability Rights Center and the Probate Courts must be included. The working group must report to the Joint Standing Committee on Judiciary by January 15, 2006 and the committee may submit legislation in response to the report.

Judiciary

RESOLVE 94 **Resolve, Encouraging the Continuing Education of Physicians Regarding Disclosure of Confidential Medical Information** **LD 1567**

<u>Sponsor(s)</u> RICHARDSON J HOBBINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-501
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Resolve 2005, chapter 94 directs the Department of Health and Human Services to encourage health care providers to include information in their continuing education programs that will assist in clarifying the rights of agents to receive confidential medical information.

RESOLVE 103 **Resolve, Directing the Secretary of State To Develop a Titling System for Mobile Homes** **LD 1285**

<u>Sponsor(s)</u> THOMAS PLOWMAN	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-580
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Resolve 2005, chapter 103 directs the Secretary of State to develop a titling system for new mobile homes. The Department of the Secretary of State is directed to present a proposal to the Second Regular Session of the 122nd Legislature.

RESOLVE 107 **Resolve, To Study the Accessibility of Birth Certificates and Other Vital Records** **LD 1202**

<u>Sponsor(s)</u> BRENNAN FARRINGTON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2005, chapter 107 requires the Department of Health and Human Services, Office of Vital Records to study the effects of the freedom of access laws on the ability of registrars to restrict access to vital records, such as certificates of birth, death and marriage. The purpose of the study is to reduce identity theft and preserve the rights of adoptees while balancing the right of the public to access certain records.

Judiciary

**RESOLVE 114 Resolve, Directing the Bureau of Health To Study Additional
Information about Abortions**

LD 1512

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM MAJ ONTP MIN	H-664

Resolve 2005, chapter 114 directs the Department of Health and Human Services, Bureau of Health to study additional data that could be collected within existing resources that would help reduce the number of unintended pregnancies and abortions. The Bureau of Health shall report to the Joint Standing Committee on Judiciary by January 15, 2006. The Joint Standing Committee on Judiciary may report out legislation in response to the report.

**RESOLVE 118 Resolve, To Create the Committee To Study State Compliance
EMERGENCY with the Federal Indian Child Welfare Act of 1978**

LD 415

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO PELLETIER-SIMPS	OTP-AM	H-710 DUPLESSIE S-138

Resolve 2005, chapter 118 creates the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978. The committee consists of 12 members, including Legislators, representatives of the 4 tribes and bands recognized in this State, the Attorney General or the Attorney General's designee and the Commissioner of Health and Human Services or the commissioner's designee. The Chief Justice of the Supreme Judicial Court is asked to appoint a representative of the judicial branch who will serve as a voting member of the committee. The committee will study compliance by the State with the federal Indian Child Welfare Act of 1978 and report to the Joint Standing Committee on Judiciary by December 1, 2005.

Resolve 2005, chapter 118 was finally passed as an emergency measure effective June 21, 2005.

**RESOLVE 123 Resolve, To Implement the Recommendations of the Committee To
Study Compliance with Maine's Freedom of Access Laws**

LD 301

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-713 DUPLESSIE

Resolve 2005, chapter 123 establishes the Freedom of Access Advisory Committee as a one-year study commission to provide information and advice to the Joint Standing Committee on Judiciary as it reviews public record exceptions and to review the public's access to public proceedings and records. The committee is also directed to make recommendations to the Governor, the Legislature and the Chief Justice of the Maine Supreme Judicial Court, as well as local and regional governmental activities, for changes in law and practice that are appropriate to maintain the integrity of the freedom of access laws and their underlying principles.